IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 10285 of 2004

Between:

P.Ramalakshmi W/o P.Srinivasa Rao, aged 32 years, OCC: Housewife
R/o. Block No.10, Plot No.203 Prajay Apartments, Kompally (V)
R.R.District

... PETITIONER

AND

1 The Government of AP rep. by its Principal Secretary,
(Home Department) Secretariat, Hyderabad.

2 The Station House Officer Dundigal Police Station,
R.R.District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction, more particularly one in the nature of Writ of Habaes Corpus, directing the Respondent Police to produce the Detenue i.e., the husband of the petitioner Sri. P.Srinivasa Rao S/o P.Chinna Naidu, aged 38 years, Occ: Business R/o block No. 10, Plot no. 203, Prajay Aparatments, Kompally village, R.R.District, who was taken away and detained in illegal custody of 2nd respondent Police, forthwith and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of Justice.

For the Petitioner: **MR.M.S.N.PRASAD, Advocate**

For the Respondents: **THE ADVOCATE GENERAL**

The Court Made the Following Order:

ORDER: (Per Hon'ble The Chief Justice)

This Petition was filed on 22-06-2004 by the wife of Sri P. Srinivasa Rao alleging that her husband was required to be present in the Police Station on 11-06-2004 at 09.00 P.M. and till the date of filing of the petition, he has not been produced before the Court of Law and thus sought direction for his production. According to her, her husband was unlawfully detained by the respondents.

An affidavit in reply has been filed by Sri K. Sreenivasa Rao, Sub Inspector of Police, Dundigal Police Station denying the petitioner's allegations and further alleging that on 23-06-2004, he received a complaint from one Mr. Y. Janardhan Reddy that the alleged detenu P. Srinivasa Rao and another person Surender Reddy were involved in a theft of water tanker, who requested the Police to take action against them. On that basis, a case in Cr.No.122/2004 was registered against them for the offences under Sections 379 and 420 of the Indian Penal Code, which is under investigation. Both P. Srinivasa Rao and Surender Reddy are not traceable till date. Efforts are being made to trace them, and as and when they are traced, they would be produced before the Court of Law.

Even from the affidavit now filed by the petitioner, we are not satisfied that the petitioner's husband was unlawfully detained by the respondents and not produced before the Court of Law. Since the petitioner's husband is absconding, no further or other directions deserve to be issued in this Writ Petition, which stands closed with directions that, on the petitioner's husband on being

traced, he will be duly produced before the Court of Law and that efforts will continue to be made to trace him. No costs.

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DEVINDER GUPTA, CJ

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G. ROHINI, J

June 30, 2004
MRR

Copy to:

1 The Principal Secretary, Government of A.P.
(Home Department) Secretariat, Hyderabad.

2 The Station House Officer Dundigal Police Station,
R.R.District.

3. Two C.C.s to the Advocate General, High Court Buildings, Hyderabad
(O.U.T.)

4. Two C.D. Copies.